

FILED

AUG 26 2011

STEPHEN R. LUDWIG, Clerk
U.S. DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

KATHY GRIMM,)
Plaintiff,)
v.) No. **1:11cv297**
ADMIN RECOVERY, LLC,)
Defendant.)

PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, KATHY GRIMM ("Plaintiff"), through her attorneys, KROHN & MOSS, LTD., alleges the following against Defendant, ADMIN RECOVERY, LLC ("Defendant"):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. 1692, *et seq.*
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."
4. Defendant conducts business in the state of Indiana, and therefore, personal jurisdiction is established.
5. Venue is proper pursuant to 28 U.S.C. 1331(b)(2).

PARTIES

6. Plaintiff is a natural person residing in Huntington, Huntington County, Indiana.
7. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5).
8. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought to collect a consumer debt from Plaintiff.
9. Defendant is a collection law firm with a business office in Williamsville, New York.

FACTUAL ALLEGATIONS

10. Defendant is attempting to collect a debt from Plaintiff on behalf of the original creditor, Shoppers Charge, with an account number ending in 8907 (File Number: 210930).
11. Plaintiff's debt allegedly owed arises from transactions for personal, family, and household purposes.
12. On March 8, 2011, Plaintiff's counsel faxed a cease and desist and a notice of representation letter to Defendant. *See* Plaintiff's counsel's March 8, 2011 letter to Defendant, attached as Exhibit A.
13. Despite receiving Plaintiff's counsel's letter (Exhibit A), Defendant communicated with Plaintiff on June 20, 2011, in an attempt to collect a debt. *See* Defendant's letter to Plaintiff, dated June 20, 2011, attached as Exhibit B.

COUNT I

DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

14. Defendant violated the FDCPA based on the following:
 - a. Defendant violated § 1692c(a)(2) of the FDCPA by communicating with Plaintiff even though Defendant knew Plaintiff was represented by an attorney.

b. Defendant violated § 1692c(c) of the FDCPA by communicating with Plaintiff after Defendant received Plaintiff's cease and desist letter.

WHEREFORE, Plaintiff, KATHY GRIMM, respectfully requests judgment be entered against Defendant, ADMIN RECOVERY, LLC, for the following:

15. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k.

16. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k.

17. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, KATHY GRIMM, hereby demands trial by jury in this action.

Dated: August 22, 2011

RESPECTFULLY SUBMITTED,

KROHN & MOSS, LTD.

By: 

Michael S. Agruss
CA SBN: 259567
KROHN & MOSS, LTD.
120 W. Madison, 10th Floor
Chicago, Illinois 60602
Tel: 323-988-2400 x235
Fax: 866-620-2956
magruss@consumerlawcenter.com
Attorney for Plaintiff,
KATHY GRIMM

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF INDIANA

Plaintiff, KATHY GRIMM, says as follows:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

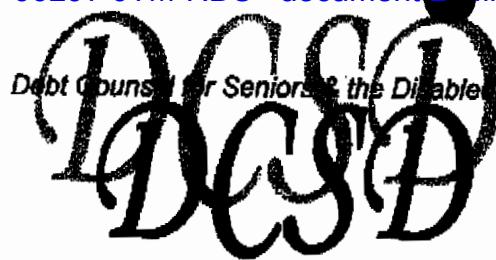
Pursuant to 28 U.S.C. § 1746(2), I, KATHY GRIMM, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Date: Aug. 12, 11

Kathy M. Grimm

KATHY GRIMM

Exhibit A



March 8, 2011

BY FAX ONLY: 716-580-3823

Page 1 of 3

Collections Manager
Admin Recovery, LLC
5930 Main Street
Williamsville, NY 14221

**Re: Kathy Grimm
Your reference # 210930 - Shopper Charge: Ending in 8907
Our file # 11984**

To Whom It May Concern:

Please be advised that my law firm represents the above-referenced client(s) for the purpose of enforcing their rights pursuant to all applicable federal debt collection laws. Debt Counsel for Seniors and the Disabled exclusively represents clients who are senior citizens, disabled or both and whose only income (e.g. social security, disability, etc.) is protected by federal law. This client regrets not being able to pay however, at this time they are insolvent as their monthly expenses exceed the amount of income they receive.

This letter serves as notice that my client hereby disputes the above-referenced alleged debt and requests validation of it in accordance with 15 U.S.C. § 1692g. Please provide the name and address of the original creditor, if different from the current creditor. Unless and until this validation is furnished, we do not recognize any right on your part to collection any amount from our client through credit reporting or any other means. Please be advised that the continuation of collection activity without adequately responding to the validation request, could result in a lawsuit against you pursuant to 15 U.S.C. §1692g(b).

As the client's attorney, I respectfully inform you that you must cease contacting them pursuant to 15 U.S.C. § 1692c(a)(2) and 1692c(c). I have attached a signed cease and desist order from my client(s). If and when you violate these statutes, I will not hesitate to pursue with local co-counsel all legal remedies on behalf of my client(s).

Sincerely,

A handwritten signature in black ink, appearing to read 'Jerome S. Lamet'.

Jerome S. Lamet
Supervising Attorney
Debt Counsel for Seniors and the Disabled

Cc: Kathy Grimm

Jerome S. Lamet, Supervising Attorney
The Pontiac Building
542 South Dearborn
Suite 1260
Chicago, Illinois 60605
V: (312) 939-2221
F: (312) 939-27411

TRANSMISSION VERIFICATION REPORT

TIME : 03/08/2011 11:26
NAME : JEROME LAMET LTD
FAX : 13123563199
TEL : 13129392221
SER. # : BRUD8J797996

DATE, TIME	03/08 11:25
FAX NO./NAME	17165803823
DURATION	00: 00: 53
PAGE(S)	03
RESULT	OK
MODE	STANDARD ECM



March 8, 2011

BY FAX ONLY: 716-580-3823

Admiral Recovery, LLC
5930 Main Street
Williamsville, NY 14221

**Re: Kathy Grimm
Your reference # 210930 - Shopper Charge: Ending in 8907
Our file # 11984**

To Whom It May Concern:

Please be advised that my law firm represents the above-referenced client(s) for the purpose of enforcing their rights pursuant to all applicable federal debt collection laws. Debt Counsel for Seniors and the Disabled exclusively represents clients who are senior citizens, disabled or both and whose only income (e.g. social security, disability, etc.) is protected by federal law. This client regrets not being able to pay however, at this time they are insolvent as their monthly expenses exceed the amount of income they receive.

This letter serves as notice that my client hereby disputes the above-referenced alleged debt and requests validation of it in accordance with 15 U.S.C. § 1692g. Please provide the name and address of the original creditor, if different from the current creditor. Unless and until this validation is furnished, we do not recognize any right on your part to collect any amount from our client through credit reporting or any other means. Please be advised that the continuation of collection activity without adequately responding to the validation request, could result in a lawsuit against you pursuant to 15 U.S.C. § 1692g(b).

As the client's attorney, I respectfully inform you that you must cease contacting them pursuant to 15 U.S.C. § 1692c(a)(2) and 1692c(c). I have attached a signed cease and desist order.

Exhibit B

ADMIN RECOVERY, LLC
 5930 Main Street • Williamsville, NY 14221
 Telephone 1-855-282-7283 • Facsimile: 1-716-810-9598

June 20, 2011

Kathy Grimm

ACCOUNT SUMMARY		
Original Creditor Shoppers Charge		
Account #	File #	Balance
8907	210930	[REDACTED]

Dear Kathy Grimm:

Admin Recovery, LLC has made the decision to offer you a one-time opportunity to pay 30% of the amount due to satisfy your delinquent account. This settlement-in-full shall be in the total amount of [REDACTED] to settle account 210930.

Please understand that you may qualify for payments toward a 30% settlement, but you must contact our office within 10 days of receipt of this letter.

This settlement offer will expire unless we receive your payment in the amount of [REDACTED] on or before 06/30/2011.

If you have any questions relative to the above referenced settlement, please do not hesitate to contact our office toll free at 1-855-282-7283, Monday through Friday 8:00am-9:00pm EST. Please refer to the file number indicated above.

All payments are to be remitted to: Admin Recovery LLC, 5930 Main Street, Williamsville, NY 14221.

Federal law requires we notify you this is an attempt to collect a debt and any information obtained will be used for that purpose.

Sincerely,

Angelo Marzulo
General Manager

PAYMENT OPTIONS

METHOD OF PAYMENT
www.moneygram.com Our Company Receive Code: 6726 Account #: 210930
Payments By Phone Please Call 1-855-282-7283 Visa, MasterCard, American Express & Discover Debit Card Check-By-Phone (All Free of Charge)
By Mail Visa, MasterCard, Discover, & American Express Check Money Order (You can use the return envelope provided and the bottom portion of this notice for your convenience.)

JUN 29 2011

*** Please detach the lower portion and return with your payment ***

479-SFADRE10-ALD0-11/01/10

TYPE2DB102



5930 Main Street
Williamsville NY 14221-5718
ADDRESS SERVICE REQUESTED

June 20, 2011

002602002400423957284070310845-A1-TYPE2DB102 470
14221 - ALD0 - 479

Kathy Grimm

IF YOU WISH TO PAY BY CREDIT CARD, CIRCLE ONE AND FILL IN THE INFORMATION BELOW.			
<input checked="" type="radio"/> MasterCard		<input checked="" type="radio"/> VISA	
<input checked="" type="radio"/> DISCOVER		<input checked="" type="radio"/> AMEX	
CARD NUMBER		EXP. DATE	
CARD HOLDER NAME		CVV	
SIGNATURE		AMOUNT PAID	

Original Creditor: Shoppers Charge
Account #: [REDACTED] 8907
Balance: [REDACTED]

Admin Recovery, LLC
5930 Main Street
Williamsville NY 14221-5418